IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19707 of 2004

Between:

Gande Pitchaiah, S/o. Late Saidaiah,
R/o. Karakkayalaudem Village,

Huzurnagar Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,

Nalgonda, Nalgonda District.
2 The Motor Vehicles Inspector,

Vijayawada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the 2nd respondent in seizing the detaining the petitioner's Tractor Vehicle bearing No. AP-27-T-4312 and Trailor No. AP-27-4313 vide Check report No. 006340 dt. 13-10-2004 as illegal, arbitrary and unconstitutional and consequently direct the respondent to release the vehicle bearing Tractor Tractor vehicle bearing No. AP-27-T-4312 and Trailor No. AP-27-T-4313.

Counsel for the Petitioner: Mr. PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following :

The petitioner is the owner of a tractor, bearing No. AP-27-T- 4312 and a trailor, bearing No. AP-27-T-4313. A check was conducted by the 2nd respondent on the said vehicles on
13-10-2004 and the vehicles were seized on the ground that the documents were not available with the vehicles. A check report was issued on the same day to that effect. The petitioner contends that subsequently, he approached the 1st respondent for the release of the vehicles through an application dated 15-10-2004, but the 1st respondent did not entertain his application and did not release his vehicles. The petitioner, therefore, approached this Court seeking to declare the action of the 2nd respondent in seizing and retaining the petitioner's tractor and trailor as illegal and arbitrary, and to release his vehicles from the custody of the 1st respondent.

The petitioner produced a copy of the registration certificate of the vehicles before this Court. Enquiry is pending before the 1st respondent. It is likely to take some time for the completion of the enquiry and to pass appropriate orders. If the vehicles are kept idle, they are likely to be damaged. I am therefore, inclined to release the vehicles of the petitioner for interim custody pending disposal of the matter by the 1st respondent.

In the light of the above circumstances, the 1st respondent is directed to release the vehicles of the petitioner on the following terms and conditions:

1. The petitioner shall deposit Rs.5000/-(rupees five thousand only) with the first respondent;

2. He shall pay the tax, if any due for the vehicles for the previous quarter;

3. He shall not transfer the vehicles in favour of others without the permission of the first respondent;

4. He shall produce the vehicles as and when required by the first respondent;

5. He shall file his explanation and co-operate with the first respondent for the completion of the enquiry regarding the seizure of the vehicles and the check report.

Accordingly, the Writ Petition is disposed of.

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Dr. G. YETHIRAJULU,J)

27th October, 2004.

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To

1 The Secretary, Regional Transport Authority,

Nalgonda, Nalgonda District.

2 The Motor Vehicles Inspector,

Vijayawada, Krishna District.

3 Two CCs to the GP for Transport, High Court of A.P.,

Hyderabad (O.U.T.)

4 Two CD Copies.